



7/17/2019

Environmental Protection Agency

Thank you for the important work you do to help bring transparency to government action. This request is made on behalf of the New England Anti-Vivisection Society (NEAVS) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. NEAVS is a non-profit organization, based in Boston, Massachusetts.

Request Details

We request records of all available agency deliberations and memoranda between parties listed below regarding the creation of the 1993 document "Plan for the Use of Animals in Research." We request all relevant materials which were created between 1/1/1992 and 12/31/1994. The targeted parties are as follows:

NIH Parties:

1. Office of the Director
National Institutes of Health
Dr. Louis R. Sibal
2. National Institute on Aging
Dr. Richard L. Sprott
Dr. DeWitt G. Hazzard,
3. National Institute on Alcohol Abuse and Alcoholism
Dr. Antonio Noronha,
Dr. Helen Chao,
4. National Institute of Allergy and Infectious Diseases
Dr. James C. Hill,
Dr. Peter L. Golway,
5. National Institute of Arthritis and Musculoskeletal and Skin Diseases
Dr. Stanley R. Pillemer,
Dr. Stephen P. Heyse,
6. National Cancer Institute
Dr. John Donovan,
Dr. Susan M. Sieber,
7. National Institute of Child Health and Human Development
Dr. Allan Lock,
Dr. Steven Kaminsky,
8. National Institute on Deafness and Other Communication Disorders
Dr. Robert J. Wenthold,
Dr. Christy L. Ludlow,
9. National Institute of Dental Research
Dr. Ronald Dubner,
Dr. Joseph L. Bryant,
10. National Institute of Diabetes and Digestive and Kidney Diseases
Dr. David G. Badman,
Dr. Michael K. May,
11. National Institute on Drug Abuse
Dr. Cathrine Sasek,
Dr. Lynda Erinoff,

12. National Institute of Environmental Health Sciences
Dr. Richard A. Griesemer,
Dr. William S. Stokes,
 13. National Eye Institute
Dr. Michael Oberdorfer,
Dr. Michael Goldberg,
 14. National Institute of General Medical Sciences
Dr. Christine Carrico,
Dr. Lee Van Lenten,
 15. National Heart, Lung, and Blood Institute
Dr. Robert S. Balaban,
Dr. Mark A. Knepper,
 16. National Institute of Mental Health
Dr. Robert Desimone,
Dr. Richard Nakamura,
 17. National Institute of Neurological Disorders and Stroke
Dr. Robert Burke,
Dr. Watson Alberts,
 18. National Institute of Nursing Research
Dr. Hilary Sigmon,
Ms. Linda Cook,
 19. National Center for Human Genome Research
Dr. David Bodine,
Dr. Elke Jordan,
 20. Division of Research Grants
Ms. Susan Baker
 21. Office of Legislative Policy and Analysis
Ms. Tina Blakeslee
 22. National Center for Research Resources
Dr. Richard S. Chadwick
 23. Office for Protection from Research Risks
Dr. Gary Ellis
 24. National Library of Medicine
Dr. Sidney Siegel
 25. Office of the General Counsel
Ms. Susan Sherman
 26. National Center for Research Resources
Dr. Louise Ramm,
Dr. Elaine Young,
- Non-NIH Parties:
27. Consumer Product Safety Commission
Dr. Kailash Gupta
 28. Environmental Protection Agency
Dr. Richard N. Hill,
Dr. Mary C. Henry,
 29. Food and Drug Administration
Dr. Neil L. Wilcox,
Dr. Mack Holt,
 30. National Science Foundation



Dr. Maryanna Henkart,
Dr. Kathie Olsen,

We voluntarily agree to have the following information redacted from responsive documents: Room numbers, telephone numbers, the names of secondary individuals, and financial information. We do not agree to redaction of the names of the above listed parties or top institutional representatives.

Requester Classification

FOIA provides for three categories of requesters: (1) commercial use requesters; (2) educational institutions, noncommercial scientific institutions, and representatives of the news media; and (3) requesters who do not fall within either of the preceding two categories. 5 U.S.C. § 552(a)(4)(A)(ii)(I-II). “News” is “information that is about current events or that would be of current interest to the public.” 5 U.S.C. § 552(a)(4)(A)(ii). A representative of news media includes “any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” *Id.*; see also *National Security Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (providing same definition). The fact that an organization “disseminate[s] [information] via the Internet . . . does not change the analysis.” *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 14 (D.D.C. 2013).

NEAVS qualifies as a member of the news media for the purposes of FOIA and for the purposes of this request. NEAVS regularly utilizes FOIA to gather information related to taxpayer-funded animal experimentation, uses its editorial skills to turn raw material into distinct work, and distributes that material to an audience, either on its own or through connections with traditional news media. NEAVS regularly requests and obtains records related to taxpayer-funded animal experimentation, analyzes those documents, and provides documents as well as NEAVS’ analysis on its [website](#) and [latest news blog](#).

NEAVS is committed to using public records to create unique works that help the general public understand government activities, particularly as they relate to taxpayer-funded animal experimentation—the very context of this request. NEAVS’ work analyzing and publishing the material it obtains through FOIA related to taxpayer-funded animal experimentation is actively disseminated to the public through NEAVS’ website, blog, distribution list, and social media accounts that reach tens of thousands of people per month. NEAVS’ work obtaining government documents, analyzing them, and providing them to traditional media outlets amplifies the number of people who benefit from NEAVS’ work. NEAVS has the requisite ability and intent to analyze and disseminate this information to the public. NEAVS is a representative of the news media for the purposes of FOIA.

Fee Waiver Request

NEAVS is a non-profit, public interest organization and as such NEAVS requests that all fees be waived pursuant to 45 C.F.R. § 5.54. The disclosure of the requested information is in the public interest because it is likely to contribute significantly to the public understanding of the EPA’s operations or activities, specifically, the EPA’s involvement in the creation of guidance on the use of animals in scientific research. NEAVS has no commercial interest in the requested information and satisfies the fee waiver factors set out in § 5.54.

The requested records have a direct and clear connection to the operations or activities of the government because the request pertains to the EPA’s records of planning and deliberation on the national government’s involvement in the usage of animals in scientific research. Disclosure



of the requested information is likely to contribute significantly to public understanding of the EPA's operations or activities because disclosure would be meaningfully informative. The requested information is not already in the public domain. The disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons because NEAVS' mission is to address issues of animal use in medical experiments and NEAVS' plan is to widely disseminate the requested information to the public, through its website and through media outreach efforts, to effectively alert the public about its findings. NEAVS will disclose the requested information to the public, so that elected officials can be informed as to the nature of these activities. In addition, this will allow the public to scrutinize EPA's operations or activities, which is the purpose of the FOIA.

NEAVS does not have a commercial interest that would be furthered by the requested disclosure. NEAVS' primary interest in the disclosure is to inform the public of EPA's oversight of government sponsored animal testing and to further the general public's understanding of the issues pertaining to animal use in medical experiments.

Conclusion

If possible, we would appreciate receiving these documents electronically to phurd.contractor@neavs.org. Please let me know if you need additional information to process this request for a fee waiver. If the foregoing request for fee waiver is denied, and fees are expected to exceed \$50.00, kindly notify me by email to this effect before this disclosure request is processed.

Thank you for your assistance with this request and for the important work you do to help bring transparency to government. If you have any questions about this request, please contact me at (507) 995-6175 or phurd.contractor@neavs.org.

Thank you,

Peter Hurd
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Boston, MA 02108-5100